

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

FILED BY SP D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
AND SOUTHERN DISTRICT

TERRETTA WEBB,

Plaintiff,

vs.

STANLEY JONES REALTY, INC.,

Defendant.

No. 1:04-CV-1288 T/An


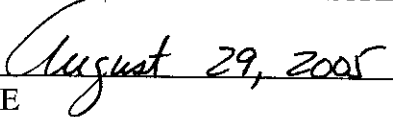
**ORDER DENYING MOTION TO AMEND COMPLAINT AND/OR
TO FILE A FIRST AMENDED COMPLAINT**

Before the Court is Plaintiff's Motion to Amend Complaint and/or to File a First Amended Complaint and Memorandum in Support Thereof filed on August 25, 2005. Plaintiff failed to attach a copy of her Amended Complaint. A pleading may be amended "only by leave of court . . . and leave shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). In order to determine whether justice so requires, "the court must have before it the substance of the proposed amendment." *Roskam Baking Co. v. Lanham Machinery Co.*, 288 F.3d 895, 906 (6th Cir. 2002). Moreover, "[a]lthough the Civil Rules do not expressly deal with the manner of presentation of amendments to pleadings, there is substantial authority . . . that Civil Rules 7(b)(1) and 15(a) impliedly require submission of the proposed amended pleading with the motion to amend." *Nation v. United States*, 512 F. Supp. 121, 124 (S.D. Ohio 1981); *see also Bownes v. City of Gary, Ind.*, 112 F.R.D. 424, 425 (N.D. Ind. 1986); 6 Charles Alan Wright et al., *Federal Practice and Procedure* § 1485 (2d ed. 1990). In the present case, Plaintiff did not attach a copy of the proposed amendment, and it is not possible to determine the "substance of

the proposed amendment” from the document Plaintiff filed.¹ Plaintiff’s Motion should thus be denied.

Therefore, the motion is **DENIED** without prejudice. Plaintiff may re-file the instant Motion with a copy of her proposed Amended Complaint attached.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

DATE

¹Additionally, because the District Court has previously dismissed Plaintiff’s slander claim, it is even more incumbent that the Plaintiff attach a copy of any proposed amendment.



Notice of Distribution

This notice confirms a copy of the document docketed as number 44 in case 1:04-CV-01288 was distributed by fax, mail, or direct printing on September 1, 2005 to the parties listed.

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US DISTRICT COURT